Dear Jim, WG/Pardon thoughts 9/16/74

Your 9/11 comes at an ideal time for me to try to put a few more thoughts, conjectures and beliefs down, if off the top of the head and less than ideal circumstances.

By the way, the identification of this black ribbon is enclosed. Avoid it is you do not stick to a standard brand you like. The name is traditional, the ribbons were on sale so I loaded up, and they soon fill the keys in. As you note in WW IV. In this case, having just used up what remained of a short calculator ribbob I could no longer use in it, I'm trying an experience. I've halved the new ribbon for two purposes: to kepp the stretch from running over at the ends and to see if, as my repairman says, pretty much of the ribbon goes with evaporation, not use.

As you will realize from the enclosures if they are of interest, I've won some and I've lost some. Jimmy read me clearly on "Perry Mason," as did the lawyer who, after receiving my stiff stuff and realizing I knew, immediately informed Jimmy of the names of the reporters to whom he leaked and a hoked up reason. There is this consistency, Jimmy seems a bit uptight and instead of pacifying I stiffen and lo, he comes back meekly. He is quite tractable and docile in two received today and suggests that after the evidentiary hearing os past Perry may go back to his natural environment, the public defender's office. Only if you know the deep contempt Jimmy has for that particular one can you realize the significance of this dry wit.

Haven't taken time for making copies. If Perry keeps his mouth closed to the hearing Jimmy's clamness is the right course and we are wrong because we'd feared that more of this would be disaster. If there is more, then we'll have a better record with whichto do something. In any event, it is touchy, taxing, hard on overstrained nerves, and I suppose one of a number of factors that make this an anxious day. Hoch adventure another. Some enclosures only. He failed to write The Nation. JL mailed the letters, was to have phoned Hoch last night and didn't, and I made a very strong suggestion that he not fail today.

Withour rereading and being influenced by your excellent analysis and perhaps repetitiously I suggest that Nixon's beginning point was having enough on Agnew to create a diversionary crisis over him. It is not possible to have been in the state posts Agnew held without being tainted. The question was developing proof. It could be assumed that he had been on the take.

The Agnew crisis was a respite for Nixon and became a kind of Constitutional crisis.

Now of all the men Nixon could select to replace Agnew, meaning himself, why did he fix on Ford to the exclusion of all otherd. At best Ford is nothing. In reality he is a nogoodnik and it is no secret but it the kind of thing pols just don't talk about. He really isn't very bright. The other crises were on us when Nixon had to make a choice. His party has capable men in political office and scads in private life. Almost any decent person would have been approved, as long as he had but a single head and wasn't black of a Jew. Being in the middle of his own serious one and aware that he had brought down upon all heads a multitude of others, the one thing Nixon could not dare was any man who would offer a real choice, one who could be preferred to him. So, his initial basis for picking Ford was incompetence. That he is a hack was well-knwon and an asset to Nixon. That he was from the Congress meant nothing but assured no chance of any opposition.

The Republican party can come up with a rather large selection of dumdums, Nixon's need. Why Ford and not one of the others then? It could be because he appears to be a decent guy, an asset, but if there is any one added reason that indicated him it had to be what Nixon knew he had on him. What I have is sufficiently embarrassing and a little more that merely embarrassing if less than a smoking gun in itself, as other enclosures indicate. It would not take much more than this to go together as a smoking gun. And if nobody else had this stuff, an essential part of it several men had, one Bennett and that meant at least Colson. Hunt, natch. If this much is readily available then there has to be more and the closet-openers do find the ghosts. So, I go alone with the blackmail notion. It was a real asset to Nixon and is one of the few ways Ford's excessive sycophancy when it clearly was against interest can be explained. He did not have to solicit the hardcore for 1976. He had it. He risked the moderates, unwise. Possible explanation, need from pressure from dirtystuff.

Playing football too long unhelmeted can explain Ford's stupidity but not that of his staff. While they are not of the calibre of those before Nixon they are not dopes and had to know Ford's course was no-win. Their inability to stop him and in the end their participation has to mean not that they also knew (not impossible) as much as that he was unyielding. What reason could he have for this other than compulsion? Long ago, almost as soon as he was confirmed, I started a file I was not able to keep up because the volume was too great, Ford as Nixon's Nixon (or Nixon's Agnew). It was that visible.

Not even Ford is this big a dope. It can't be explained as loyalty, either.

I think all other possibilities are pretty much eliminated.

Now I haven't been able to follow this as closely as I'd like because of emergencies of which you know only some. However, in the story I did have a chance to read I noted such evasiveness as "communication" which is hardly the full range of contact. If there had been no "communication" on pardon at any time, that does not mean there was no deal. I find the use of semantics persuasive that there was a behind-the-scenes deal. And in this connection I find it significant that Haig stayed on for only a week after the deed was done, despite the fact that he was both a distinct liability to Ford and an internal irritant with disasterous effect on the Ford staff. No pols permits this by accident. Haig had a job to do, did it and then went back to his lush pastures and future.

I think I have an earlier memo indicating the belief speed was necessary to foreclose not only the indictment but the consequences. I think the grand jury would have insisted on indicting and would have rebelled against Jaworski. There was not only great hazard to the party in this and limitless new exposure, but what there is on Ford could have come out. The kind of thing nobody ever thinks about, like his being filled in because he was minority Leader (as explained to his unhelmeted head) and had to know. Which made his silence misprison and obstruction of justice. Similar situation when he was told of nomination, explained as his need to know. The possibilities of entrapment are almost without limit if we can't know of any for sure.

What is also important has been ignored, saved for the leaked story on the Haldeman-Ehrlichman threats, which I do credit in full, until today's inadequate Anderson column. He has much too little on Ehr. as the patsy and too little on what the tapes show. He was deliberately kept in the dark on the taping despite his rank. This means he was set up on WG not only in what is out but possibly more in what isn't. It is almost a year since he started making threats. I remember my comments on a LATimes story he only appeared to deny. He pointedly denied nothing of consequence in it. This put the hat on Nixon and may well be one of the reasons I got that transcript. What has to be is that as soon as Ehr learned of the tapes he knew he was a patsy but because of his own deep involvements in o.j. and other crimes, he had to play it cool until he could move. This he started the first of the year.

However, the pardon of Nixon out him and Haldeman in a very bad spot because it meant Nixon was immune and they no longer had any hold on him. They knew he was over the libe, real sick, and that their strength had been he was as vulnerable as they. His resignation was the first sign. Or its imminence. His pardon is too much. Once he was pardoned they were cooked.

Now all the stories about Nixon not being able to take the fifth are false. He has any number of legit. reasons for refusing and these can't be dismissed by offers of immunity because they are state not federal charges that can be filed. Aside from this I think he could extend it to civil suits. But regardless there can be California, New York, Nevada, District of Columbia, Florida state cases off the top of the head, city cases in L.A., NYC, D.C., Las Vegas, probably others like Dallas. So he is subject to self-incrimination. And this assumes that the pardon is legal and proper, not a violation of the decisions involving interpretation of the spec. prosecutor's charter.

Ford renomination of Silbert is too stupid to be stupid. It is a payoff with great risk attached. It may also be to Lesar and me because I have already suggested to him that I ask to be heard as a witness. There is enough IN WWIV but I have more. In paying Silbert off and running this great risk he also assures a friendly prosecutor in DC.

Let me return to my analysis when Jaworski was appointed. I did not then assume that he would whitewash under any and all circumstances. Rather did I believe that he

would serve what at any moment he regarded as the Establishment's primary interest. If this meant helping dump Nixon, no problem, esp. when Nixon almost demanded it, having no real alternative. However, with an unelected President and no Vice President, I can't now visualize his considering doing anything about Ford. That would create even more choas, not only political and economic. It would create an even more unprecedented situation. (Touchstone: his charter of complete independence gave him ample reason for refusing to give Ford any opinion Ford could cite, but he did it.)

Rough translation: Jaworski is not Ford's collaborator. ...

I'm days behind in the papers and mags. I have, in fact, started a second to-read file, the newer stuff. I haven't read the Post htreats story yet. Your new clips are in it. So I may be missing much needed for analysis.

Because I have to go for Lil soon a hasty skim of your 9/11.

Agreed on urgency.

Is there any conflict between an advance if indirect deal and his being forced? I think not. The deal is the blackmail in itself.

Nixon's sickness is real, I'm sure. His paranoia has taken hold and he has none of the restraints of the past. He could be crazy enough to be making this worse to avoid being called as a witness, too. Or for other dodges. His refusal to be hospitalized abu letting it be said that he was sure if he went in he'd not come out alive is real paranoia or real Byzantine.

The useof Becker, a real crook who figured in a Ford effort to bribe Wolfson to get Douglas is a diveaway. Ford had to use someone who dared not leak. He has to have enough on Becker from their common past.

I think this is the Real Fleebus, an exploitation of coincidence. Repetition is, I understand, not that uncommon. Especially if he went off medication and refused the indicated and previously successful treatment. (Fact I is I think he'd welcome pain, too)

I have no touble believing the deal could have included Haldeman and Ehr. I would be reluctant to believe Ford would dare more. And I can see how a flipped GL can become part of the H and E defenses, forst by his unavailability as a witness and then because they were taking his orders and can claim holding them down from what they were. This can be proven. He was pretty wild, example N Korean.

The tapes and records deal is subject to defense counsel upsetting. I've tried on Lesar a formulax for Bud and others. Lesar sees it as possible. But they can file all sorts of moves, from injuncstions up. They can and I think will keep this material from leaving D.C. Watch Byrd (WVa) on this.

I see nothing to keep the current and first WG grand jury running away still. I think they can make a presentment and I can see them with their own interpretation, that the pardon itself was illegal, with Jaworski, even if he sits on it, not necessarily able to either suppress or defeat them. The uproar would ruin him and that the rick old fink can't want. (I'm surprised more the staff didn't go, but some may be waiting to be able to pressure more. I had expected more than the one departure.)

I think it is probably significant that the family took the lead in saying Nixon was real sick and then poopoohing that he was realreal sick. I also think Pat silence and invisibility are probably signifiant. Because I have always thought that Nixon was a mentally sick man all his life this time I do not see a real puton. Timing and pre,iminary admissions may be important. To me the real blow comes from my own belief about the basic nature of his emotional problem, the realization that he is nothing, always has been nothing and even when President remained a self-conceived nothing. Having failed to remain unimpeached he has now the proof positive that he can no longer ignore, by Ike and by Hiss he really is still nothing. This alone can be too much. Without the paranoia, etc.

Sorry the pickup of Lil leaves no time for reading and correcting. Hope typing not as bad as usual. However, for whatever scanty solace it may be it <u>is</u> blacker!

Hope STM/W has made complete recovery. Best,